

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
NOVEMBER 4, 2003  
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum was given. The Flag salute was lead by Police Explore Scout Jeff Hayes and Invocation was given by Councilman Mike Gossman.

### **ROLL CALL**

#### **PRESENT**

Mayor Marietta Tardibono  
Vice-Mayor Justin Frisbie  
Councilman Jimmy Alexander  
Councilman Mike Gossman  
Councilman Walter Johnson  
Councilman Bob Wehba  
Councilman Barry Curl  
Councilman Tom Smith  
Councilman Greg Hayes

#### **ABSENT**

### **DEPARTMENT HEADS AND CONSULTANTS PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Roger Patty, Police Chief  
Rob Carter, Acting Fire Chief  
Scott Barrett, City Engineer  
Wiley Rice, City Planner  
Bob Jernigan, City Attorney

2. Questions and Comments from Warr Acres Residents.  
  
There were no questions or comments from residents.
3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.
  - A. Approval of Minutes – Regular City Council Meetings of October 7, 2003 and October 21, 2003.
  - B. Approval of Expenditures –

General Fund	\$ 27,696.80
Street & Alley	\$ 1,499.88

- C. Approval of Proposed Expenditures for October 2003.
- D. Sales Tax History Report.
- E. Receive the Planning Commission minutes for October 14, 2003. (Not yet approved by the Planning Commission)
- F. Receive the Traffic Commission minutes for October 16, 2003. (Not yet approved by the Traffic Commission)

Motion by Frisbie, second by Curl to approve the consent docket. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

- 4. Discussion and possible action on items removed from the consent docket.

**Moot.**

- 5. Discussion and possible action for approval on a Revocable Permits for Mr. Richburg at 5721 NW 48<sup>th</sup> Street.

This permit allows Mr. Richburg and others on his street access to their backyards. Bob Jernigan stated that in paragraph two of the permit it reads that the initial term of the permit shall automatically renew on an annual basis until revoked by any party as hereinafter provided. However, in paragraph 11 it states that the agreement may be extended for additional terms of two year upon request of all Grantees. A change needs to be made to paragraph 2 to make it a term of two years and then have the 2 year renewal process.

Motion by Johnson, second by Curl to approve the Revocable Permit with the change in paragraph 2 reading that the permit shall automatically renew every 2 years replacing annual basis. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

- 6. Discussion and possible action on a recommendation from the Traffic Commission to eliminate the west bound left turn lane on NW 40<sup>th</sup>, at MacArthur.

Traffic Commission Chairman Jesus Morales stated that during peak hours the traffic gets backed up onto MacArthur but by doing away with the turn lane on 40<sup>th</sup> Street it would allow two lanes of traffic to turn on 40<sup>th</sup> Street headed east. During discussion on this item it was brought up that the turn lane was put in on 40<sup>th</sup> in order to keep traffic from backing up when people were wanted to turn and go south on MacArthur. Mr. Morales said Putnam City was planning on putting in a parking lot for parents picking children up from school but did not know what

the exact plans were. There were many what if's concerning this item and there was concern that eliminating the turn lane might cause other problems. Councilman Hayes suggested that there might be a need for a traffic study. Scott Barrett stated that he did not think a traffic study was needed but that he would go out and take a look at the situation and ask Putnam City what their plans are for the area. The Mayor asked him to please proceed in obtaining pertinent information.

Motion by Wehba, second by Johnson to continue this item indefinitely until Scott Barrett could get back to the Council with more information. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

7. Discussion and possible action on a recommendation from the Traffic Commission that all business on a major thoroughfare, defined as any four lane street, with two driveways 20 feet or less in width designate an entrance and exit.

Mr. Morales stated that for safety sake that all business with small drives should designate an entrance and exit. This would keep cars from waiting on major streets for cars to turn into businesses at the same time cars were trying to exit a business. He stated that this was requested by Park MacArthur Apartments. Councilman Wehba asked if the city would have to write a new Ordinance and he wanted to know who would enforce it. Mr. Morales stated that Luke Simms would get with Robert Jernigan and write the Ordinance. Councilman Curl asked who would pay for the signs. Robert Jernigan asked Wiley Rice if this would be a zoning or traffic Ordinance. Wiley stated that he thought that it would be zoning. Mr. Morales stated that he thought it would be in Title 12 concerning drives.

Motion by Gossman, second by Smith to deny. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed.**

8. Discussion and possible action on having only one meeting in December.

Councilman Curl stated that with the holidays and all the other things that go on this time of year it would be nice to just have one meeting. The Clerk agreed as did other heads of departments.

Motion by Curl, second by Johnson to have only one meeting in the month of December. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, abstain; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed.**

Item 9 was the first item heard at the meeting due to the fact the representatives for EMSA were present for questions and had other meetings with other cities to attend.

9.     A.     Discussion and possible action on adopting Ordinance 996 a Uniform Code for Emergency Medical Services.
- B.     Approval of the Emergency Clause for Ordinance 996.
- C.     Discussion and possible action on approving a First Responder Agreement.
- D.     Discussion and possible action on approving an EMS Interlocal Cooperation Agreement.

Steven Williamson stated that the change had been transparent, just as they had thought it would. Robert Jernigan stated that the Ordinance was a standard Ordinance and he inserted the city's information where it was needed. He asked Chief Carter if the Fire Department and the City would live with the way the First Responder Agreement read and Chief Carter stated they could. Mr. Jernigan stated that all of the cities had the same agreements and Ordinance to approve.

Motion by Frisbie, second by Hayes to approve Ordinance 996. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

Motion by Wehba, second by Frisbie to approve the Emergency Clause for Ordinance 996. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

Motion by Wehba, second by Frisbie to approve the First Responder Agreement. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

Motion by Wehba, second by Frisbie to approve the EMS Interlocal Cooperation Agreement. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

10. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner, Planning Commission Chairman, Traffic Commission Chairman and Board of Adjustment Chairman.

Chief Patty-stated he had done research on the fence at Savannah Point Apartments and found paper work and notices that had been sent to them concerning the upkeep of the fence and that they are required to keep and maintain a sight-proof fence. He stated that the complex will be notified.

Mayor Tardibono-stated the new Inspector will start work on November 13<sup>th</sup>.

Bill Robertson-Street Department-stated that the concrete work was finished on 45th and the signage had been placed at Harry Bears and 41<sup>st</sup> street.

Earl Hayes-stated that with the holiday falling on Tuesday, November 11<sup>th</sup> the Sanitation Department will be working 8 hr days and will do curb service throughout the city on Wednesday, November 12<sup>th</sup>.

Brad Seale-stated they had been very busy with line locates, manhole rings and assisting the Street and Sanitation departments.

Wiley Rice-stated that Mr. Stichman, 5801 NW 36<sup>th</sup> had called him concerning trees that he had removed and stated that other would be planted and they will need a curb cut. Work is almost complete.

Councilman Curl-stated that Mr. Bob Carter was unable to attend the meeting and he had nothing new for the council.

11. Discussion and possible action on Hammond and 33<sup>rd</sup> Street Drainage. \*Wehba\*

Scott Barrett stated that he had requested proposals from three Survey firms and two Geotechnical firms and hoped to have the proposals ready for council at the next meeting. He stated that research on how to get the water into the pond needed to begin and that the committee, Bob Wehba, Jimmy Alexander, Bob Jernigan, Johnny Dickson, Brad Seale, Rob Carter until an Inspector is hired, and Mark Nelson, with Bob Wehba as Chairman and Jimmy Alexander as Vice-Chairman needed to set up a meeting.

12. Discussion and possible action on the misrepresentation of Jesus Morales.

The Mayor asked Chief Patty to read the police report from a traffic stop on October 26, 2003. He read the report which referenced a traffic stop for an expired tag that had a 2004 sticker from another vehicle on it. It told that the

driver of the vehicle, Mr. Morales, was not the registered owner of the vehicle and the decal was stuck to the tag with double stick tape. It also stated that when the officer tried to give Mr. Morales a ticket he walked away without it. There was another situation in which a plaque was in the front window of Mr. Morales car which read he was the representative of the Mayor, he said it came from the Community Action Association, however the Mayor stated that she spoke to Mr. Sconzo from Community Action and he told her they did not have plaques such as the one described. In another situation Mr. Morales was stopped at a road check set up by Warr Acres and Bethany. When he was asked to present his license he showed a wallet with a badge which indicated he was a Councilman from Ward III. According to a report the officer asked Mr. Morales if he was a Councilman and he nodded his head as if to indicate he was. Mr. Morales stated that he said he was a former Councilman, however the reports did not. Councilman Smith had a list of questions he asked Mr. Morales the list is made a part of these minutes. Councilman Wehba stated that he would like to table the item until after Mr. Morales had his day in court. He stated that he had a personal opinion on the matter and felt that if it had been himself or some of his family that had done this they would have gone to jail. Mr. Morales stated that he would like the council to go ahead and make their decision and not wait. Councilman Wehba stated that he did not think Mr. Morales understood what he was saying and trying to do. Mr. Morales stated again that he wanted the council to take care of business now and not wait.

Motion by Smith, second by Gossman to remove Mr. Morales from any and all offices for conduct unbecoming a city official. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Hayes, yea; and Tardibono, yea.

### **Motion Passed.**

13. Discussion and possible action on Ordinance 995 amending Title 19, Sections 19.52.050, 19.54.050 and 19.56.150. \*Jernigan\*

Robert Jernigan stated that this was the Ordinance with the changes to Title 19 that have been discussed the last few meetings.

Motion by Curl, second by Smith to approve Ordinance 995. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

### **Motion Passed unanimously.**

The Emergency Clause was not listed as part of this item so therefore it will be on the agenda on November 18<sup>th</sup> for approval.

14. Discussion and possible action on Approval of Budget Transfer Amendments and Supplemental Budget Appropriations.

The Clerk explained what each of the amendments and appropriations were.

Motion by Frisbie, second by Wehba to approve the Budget transfer amendments and supplemental budget appropriations. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

15. Discussion and possible action on nomination and appointment to the Traffic Commission, Ward I to complete James Neece term. Term to expire March 2005.

This item was moved up and was the second item heard. Councilman Frisbie stated that there were persons from Ward I interested in this position and Councilman Curl and himself had not had a chance to talk to all of them.

Motion by Frisbie, second by Curl to continue this item to the November 18<sup>th</sup> meeting. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

16. Discussion and possible action on lifting the hiring freeze to hire an Entry Level Police Officer to replace Lt. James Bauman who retired on October 31, 2003.  
\*Chief Patty\*

Chief Patty stated that he had obtained figures from the City Clerk to see if he had the funds to hire an entry level police officer and promote two other officers with the retirement of Lt. Bauman. The difference in pay would allow for a new officer. He stated that it will cut down on overtime. Councilman Smith confirmed that this would be a replacement not a new position.

Motion by Hayes, second by Smith to approve lifting the hiring freeze for the Police department. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed.**

Motion by Hayes, second by Smith to allow the Police department to hire an Entry Level Police Officer. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

## **Motion Passed.**

### 17. Question and Comments from Council members.

Councilman Smith-stated at the last ACOG meeting ODOT had done a nice presentation on roads and bridges. He stated that the money that pays for the repair to bridges is the pike fees and the money for roads is the gasoline tax. He passed around maps that showed bad roads and bridges in red and good ones in green.

Mayor Tardibono-stated that she had received letters from Londa Fisher thanking the sanitation department for picking up a washer she had placed at the curb and a letter from John Parker thanking the police department for their assistance.

Earl Hayes-stated that it was not the sanitation department that had picked up the washer it was the street department.

Councilman Gossman-stated that he had received a call from a woman that lived on Ann Arbor and she was having problems with the construction crew tearing up the fence and they had told her that they were taking the street all the way to her house when she made them mad. He asked Chief Patty if people that were cutting through the area were getting tickets and the answer was yes.

Chief Patty-stated that one roofing company had come out and looked at the roof and were supposed to get back with him with a cost.

### 18. New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

There was no new business.

### 19. Discussion and possible action on contract and negotiations with FOP Lodge #145 and I.A.F.F. Local #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), Discussing negotiations concerning employees and representatives of employee groups.

### 20. Discussion and possible action on increasing the city portion of insurance premiums. Including discussion and action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (1), discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee. \*Wehba\*

Councilman Wehba asked for item 20 to be dropped.



Robert Jernigan advised the council that they should go into executive session on item 19.

Motion by Hayes, second by Wehba to enter into executive session. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

**The Council entered into Executive Session at 8:45 p.m.**

**The Council returned to Open Session at 9:17 p.m. WITH NO ACTION TAKEN.**

Motion by Wehba, second by Frisbie to authorize the Mayor and the city representatives to execute a contract with the FOP Lodge #145 for the contract for FY2003-2004 which is identical to the contract of FY2002-2003. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

21. The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
NOVEMBER 4, 2003  
7:00 p.m.

1. The meeting was called to order at 9:18 p.m. Declaration of a quorum present was given.

### **ROLL CALL**

#### **PRESENT**

#### **ABSENT**

Chairperson Marietta Tardibono  
Vice-Chair Justin Frisbie  
Trustee Jimmy Alexander  
Trustee Mike Gossman  
Trustee Walter Johnson  
Trustee Bob Wehba  
Trustee Barry Curl  
Trustee Tom Smith  
Trustee Greg Hayes

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of October 7, 2003.

Motion by Frisbie, second by Hayes to approve the minutes. Poll vote:  
Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, abstain; Curl,  
yea; Smith, yea; Hayes, yea; and Tardibono, yea.

#### **Motion Passed unanimously.**

3. Approve payment of claim in the amount of \$61,522.21 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of October, 2003.

Councilman Johnson asked if the city had \$1,100 to make up the difference in what was collected and what was being paid. The Clerk stated it did.

Motion by Frisbie, second by Hayes to approve the payment. Poll vote:  
Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, abstain; Curl,  
yea; Smith, yea; Hayes, yea; and Tardibono, yea.

#### **Motion Passed unanimously.**

4. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

**MEETING OF THE TRUSTEES OF THE WARR ACRES  
ECONOMIC DEVELOPMENT AUTHORITY  
5930 NW 49<sup>TH</sup> STREET,  
WARR ACRES, OKLAHOMA  
NOVEMBER 4, 2003  
TUESDAY  
7:00 p.m.**

1. The meeting was called to order at 9:20 p.m. Declaration of a quorum present was given.

## **ROLL CALL**

### **PRESENT**

### **ABSENT**

Chairperson Marietta Tardibono  
Vice-Chair Justin Frisbie  
Trustee Jimmy Alexander  
Trustee Mike Gossman  
Trustee Walter Johnson  
Trustee Bob Wehba  
Trustee Barry Curl  
Trustee Tom Smith  
Trustee Greg Hayes

2. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of October 7, 2003.

Motion by Wehba, second by Hayes to approve the minutes. Poll vote:  
Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, abstain; Curl,  
yea; Smith, yea; Hayes, yea; and Tardibono, yea.

### **Motion Passed unanimously.**

3. Discussion and possible action and a presentation concerning the possible purchase and/or sale of property and incentives, including entering into Executive Session as allowed under 25 O.S. Supp 307 (D), to receive reports from the immediate staff and the trust attorney for all nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would

interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

**Not needed at this time.**

3. The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk